

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KALVIN DRUMMOND, MOHAMMED
BAH, CHRISTOPHER GRANDISON,
SHANE BENT, ROBERT CIAMPAGLIA and
STEFAN GODLEY on behalf of themselves
and those similarly situated,

Plaintiffs,

v.

HERR FOODS INC.,

and

JOHN DOES 1-10,

Defendants.

Civil Action No. 2:13-cv-05991-BMS

~~[PROPOSED]~~ ORDER GRANTING
PRELIMINARY APPROVAL OF SETTLEMENT

On ~~April 1, 2016~~, the Court heard an unopposed motion by Plaintiffs Calvin Drummond, Mohammed Bah, Christopher Grandison, Shane Bent, Robert Ciampaglia, and Stefan Godley (collectively "Class Representatives"). The Court has considered the Joint Stipulation of Class and Collective Action Settlement and Release ("Stipulation") and the proposed Notice of (1) Proposed Class and Collective Action Settlement and (2) Final Settlement Approval Hearing ("Class Notice") and attached exhibits and hereby finds and orders as follows:

The Court finds on a preliminary basis that the settlement memorialized in the Stipulation, filed with the Court, falls within the range of reasonableness and, therefore, meets the requirements for preliminary approval.

The Court conditionally certifies, for settlement purposes only, the following class ("Class") described in the Stipulation: all individuals employed by Defendant Herr Foods Inc. ("Defendant") in the position of "Route Salesperson" or "Senior Route Salesperson" position for one or more days between November 10, 2011 and January 31, 2016, as well as any individual who filed a complaint

or consent form in this lawsuit prior to November 10, 2014 and who worked for Defendant within three years prior to the date he or she filed the consent form with the Court.

The Court finds, for settlement purposes only, the requirements of Federal Rule of Civil Procedure 23(a) and Federal Rule of Civil Procedure 23(b)(3) are satisfied, with the exception of the manageability requirement of Rule 23(b)(3) that the Court need not address for purposes of settlement.

This Order, which conditionally certifies a class action for settlement purposes only, shall not be cited in this or any matter for the purpose of seeking class or collective certification, opposing decertification, or for any other purpose, other than enforcing the terms of the Stipulation.

The Court appoints, for settlement purposes only, as Class Representatives Calvin Drummond, Mohammed Bah, Christopher Grandison, Shane Bent, Robert Ciampaglia, and Stefan Godley.

The Court appoints, for settlement purposes only, Justin Swidler of Swartz Swidler, LLC as Class Counsel for the purposes of Settlement and the releases and other obligations therein. Kurtzman Carson Consultants is appointed as Settlement Administrator.

The Class Notices (one for current opt-in Plaintiffs and one for other Class Members), attached to the Motion for Preliminary Approval as Exhibit B to Exhibit A and the Claim Form, Change of Name and/or Address Information, and Settlement Administrator form of letter regarding inconsistent documentation, attached to the Class Notice as Forms A through C, respectively, are approved. The Settlement Administrator is ordered to mail those documents to the Class members as provided in the Stipulation.

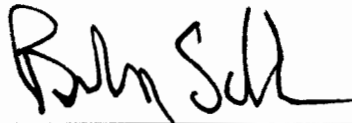
Each Class Member who does not timely submit a valid written request for exclusion from the Settlement will have ninety (90) days after the date on which the Settlement Administrator mails the Class Notice to object to the Settlement by serving on the Settlement Administrator. The Administrator shall serve a copy of any objection received on Class Counsel and Counsel for Defendant, and Class Counsel shall file any objection received.

The Court will conduct a Final Approval Hearing on Sept 6, 2016 at 9:30 a.m./~~p.m.~~ to determine the overall fairness of the settlement, attorneys' fees and costs to Class Counsel,

enhancements to the Plaintiffs, and whether final certification of the Fair Labor Standards Act collective action is appropriate. The Final Approval Hearing may be continued without further notice to Class Members. Class Counsel shall file the motion for final approval of the settlement sought in the Stipulation on or before Aug 25, 2016.

IT IS SO ORDERED.

Dated: Aug 12, 2016



Hon. Berle M. Schiller
United States District Judge